

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ERNEST WEST,

Petitioner,

-against-

HAMIL, Acting Superintendent,
Livingston Correctional Facility,

Respondent.
-----X

JUDGMENT
04-CV- 2393 (CBA)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ SEP 6 2005 ★
P.M. _____
TIME A.M. _____

A Memorandum and Order of Honorable Carol Bagley Amon, United States District Judge, having been filed on August 1, 2005, denying petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 as untimely; and ordering that a Certificate of Appealability will not issue; it is

ORDERED and ADJUDGED that petitioner take nothing of the respondent; that petitioner's petition for a writ of habeas corpus is denied as untimely; and that a Certificate of Appealability will not issue.

Dated: Brooklyn, New York
September 02, 2005

Robert C. Heinemann
Clerk of Court

By: _____

/s/
Terry Vaughn
Chief Deputy Clerk
for Operations